

REMARKS

Claims 1-17 are pending. Claims 2, 4-10 and 12-15 have been withdrawn from consideration, claim 1 amended and new claim 17 has been added. Claims 3 and 11 appear to be allowable. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

Claim 3 and 11

In the Applicants' previous response dated September 11, 2006, Applicants argued that claim 1 is generic to dependent claims 3 and 11 as each of these dependent claims require the limitations of claim 1. See MPEP 806.04(d). The recent Office Action dated December 13, 2006 makes no mention of Applicants' arguments with respect to claim 1 being generic to claims 3 and 11. Applicants therefore presume based on the Office Action asserting that Applicants' arguments have been considered and the providing of a new grounds of rejection, that the arguments with respect to the generic feature of claim 1, were convincing. Therefore, Applicants note that claims 1-17 are pending with claims 2, 4-10 and 12-15 withdrawn. Accordingly, claims 1, 3, 11, 16 and 17 stand in consideration for examination. If Applicants' understanding is incorrect, Applicants respectfully request clarification in a new Office Action on the status of the claims.

Since claims 3 and 11 have not been addressed in a substantive rejection, Applicants assume claims 3 and 11 are in condition for allowance.

Prior Art Rejections

The Office Action rejects claims 1 and 16 under 35 U.S.C. § 102(b) as being anticipated by Huemann et al. (U.S. 5,611,811) and claims 1 and 16 under 35 U.S.C. § 102(b) as being anticipated by Oxman (U.S. 4,352,200). These rejections are respectfully traversed.

Huemann

Huemann teaches an automotive audio system in which various audio devices (radio, cassette tapes, compact disks) can be controlled separately through a rear seat control using headphones. The driver in the front seat can separately control the rear seat audio media. As stated in col. 2, lines 56-67, the driver or front passenger has full-range of controls of the entire system including selecting media and controlling desired loudness, treble, bass, etc. These commands can trump the commands set by the rear seat passenger.

First, Applicants note that Huemann system is directed fully to audio media and not audio-visual devices. As stated in claim 1, the onboard audio-visual system control the plurality of audio-visual devices and the front seat speakers and the rear seat speakers are used for outputting reproduced audio from the audio-visual devices. For this reason alone, Huemann cannot anticipate Applicants' claimed invention recited in independent claim 1.

Second, Huemann does not teach a first control signal which attenuates the signal to the headphones. It appears in Huemann that the controlling of the desired loudness, treble, bass, etc. sets limits that are universal throughout the entire front and rear seat system. It appears that once these universal controls are set, the rear control must be compatible with the front seat controls and thus controlling the media from the rear seat control is the only means to specifically perform adjustments to the rear seat headphones. This is further evidenced by the disclosure on col. 3, lines 34-45 of Huemann where it is stated that the rear seat control controls the volume for the headphones.

Therefore, in view of the above, Applicants respectfully submit that Huemann fails to teach each and every feature recited in the claims as required in a rejection under 35 U.S.C. § 102. Specifically, Huemann fails to teach a plurality of audio-visual devices...headphones for rear seat passengers for independently outputting a reproduced audio from one said audio-visual devices...a first signal attenuator for attenuating the input signal to said headphones in response to the first control signal.

Oxman

Oxman teaches an audio system for use by passengers in transportation devices such as an airplane. A projector projects an image and each seat includes separate headphones and headphone controls for the passenger in that particular seat.

Applicants respectfully submit that Oxman teaches the use of headphones individually at every seat for receiving audio from the audio-visual device. Oxman does not teach front seat speakers or rear seat speakers. Further, Oxman does not teach separate control devices, one for controlling the rear seat speakers and headphones and a second control device used by a driver. Oxman does teach an override button for simultaneously overriding the audio used independently by each passenger in the airplane. However, these controls are not performed by a driver nor are they intended for use in a vehicle.

The Examiner states that the front and rear speakers recited in independent claim 1 is inherent to Oxman. Applicants submit that nowhere in Oxman is there a suggestion of front and rear seat speakers for outputting reproduced audio from the audio-visual devices, in fact there is no mention in Oxman of using any other type of audio reproduction device other than headphones for listening to the audio of the audio visual device. In Oxman, each seat is individualized and thus there cannot be front and rear seat speakers. Thus, in Oxman the only speakers for each seat is the use of the headphones by the individualized passengers in the airplane.

Therefore, in view of the above, Oxman fails to teach each and every feature of independent claim 1 as required. Specifically, Oxman fails to teach a front seat speaker and a rear seat speaker for outputting reproduced audio from audio visual devices, a headphone for rear seat passengers for independently outputting a reproduced audio from an audio visual device arbitrarily selected by the rear seat passengers through a rear seat control and an operating device mounted in the neighborhood of a driver for performing a predetermined operation by the driver and attenuating an input signal to said headphones in response to the first control signal, as recited in independent claim 1.

Therefore, Oxman fails to satisfy the requirements of 35 U.S.C. § 102 and thus fails to anticipate every feature of independent claim 1, as required.

Dependent Claim 17

Furthermore, regarding the features of dependent claim 17, neither Huemann nor Oxman teach or suggest attenuating the input signal to the headphone abruptly by 10 db or more.

In view of the above, Applicants respectfully submit that Huemann and Oxman fail to teach each and every feature of independent claim 1 as required. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

For at least the reasons above, it is respectfully submitted that claims 1, 3, 11, 16 and 17 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings Reg. No. 48,222 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: February 12, 2007

Respectfully submitted,

By 
Chad J. Billings
Registration No.: 48,917
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant